

Establishment - Smt. T. Vijayalakshmi, Staff Nurse (Retd.), THW Siddipet, Medak District— Action of the Regional Director of Medical and Health Service, Hyderabad for permission to retire voluntarily - Ratified – Orders - Issued.

HEALTH, MEDICAL & FAMILY WELFARE (K1) DEPARTMENT

Dated: 23rd -11-2011
Read the following:-

-

In the reference 1st read above the Director of Health has requested permission in respect of Smt. T. Vijayalakshmi, Staff Nurse (Retd.), THW Siddipet, Medak District, to fix her pay in Revised Pay Scales, 1993, 1999 and 2005, since the period has been exceeded for more than six years.

2. In the reference 3rd read above issued orders deputing Smt.T. Vijayalakshmi, Staff Nurse, Government Maternity Hospital, Afzalgunj, Hyderabad to the College of Nursing, Nizam's Institute of Medical Sciences, Hyderabad for a period of three (3) years based on the instructions issued in the reference 2nd read above, and the said period expires by 21.05.1995.

3. In the reference 4th read above orders issued to accord sanction for further extension of deputation of Smt. T. Vijayalakshmi, Staff Nurse, Government Maternity Hospital, Aftalgunta, Hyderabad to the College of Nursing, Nizam's Institute of Medical Sciences, Hyderabad, for two (2) more years from 21.05.1995 to 20.05.1997 in public interest, subject to condition that under no circumstances extension beyond the said specified period will be considered by Government.

4. While on deputation at Nizam's Institute of Medical Sciences, Hyderabad the individual has applied for regular notification and selected for the post of Asst. Lecturer vide ref. 5th read above, and joined in the post of Asst. Lecturer without informing the Regional Director of Medical and Health Service, Hyderabad / Director of Medical Education, A.P., Hyderabad and was placed in the time scale of Rs.1380-2750 which is higher time scale than that of Staff Nurse under the department of Medical and Health. Further she got promotion as Lecturer (Surgical Nursing) vide ref. 6th cited, and was given a time scale of Rs.2200-4000/- .

PTO.

5. In the reference 7th read above, Smt. T. Vijayalakshmi, Staff Nurse who is on deputation with Nizam's Institute of Medical Sciences, Hyderabad from 21.05.1992 A.N. was repatriated to her parent department and relieved her w.e.f.20.04.2006 A.N.

6. On repatriation of the individual to Medical & Health Department, the Regional Director of Medical and Health Service, Hyderabad was admitted to duty on 20.04.2006 and issued posting orders, vide reference 8th read above, at T.H. Ward, Medak, without proper verification of the facts as the individual has continued on deputation at Nizam's Institute of Medical Sciences, Hyderabad beyond the permitted period i.e., from 21.05.1997 to 20.04.2006, i.e., for a period of 9 years irregularly against the existing rules laid down in G.O. Ms. No.10, Finance & Planning (FW.FR.II) Department, Dt.22.01.1993.

7. After joining at the place of posting in Medical & Health Department, the individual has submitted an application vide ref. 9th read above, to the Regional Director of Medical and Health Service, Hyderabad requesting to permit her to retire from service voluntarily.

8. The Regional Director of Medical and Health Service, Hyderabad without verifying the Service Register has permitted the individual to retire from service voluntarily, w.e.f. 11.05.2006 A.N. vide reference 10th read above, which is against the rules laid down in rule 43 of APRP Rules, 1980 i.e., in actual terms the applicant did not complete the requisite service of 20 years for voluntarily retirement as per Rule 43 of APRP rules, 1980, since she has continued at Nizam's Institute of Medical Sciences, Hyderabad without permission of Government from 21.05.1997 to 20.04.2006 which is unauthorised. After taking of voluntary retirement, the individual has started claiming for sanction of SGP scales and Revised Pay Scales etc.,

9. In the reference 11th read above, sought clarification from the Director of Nizam's Institute of Medical Sciences, Hyderabad, in respect of Smt. T. Vijayalaxmi, Staff Nurse, for her fixations in RPS 1993, 1999, & 2005 and also fixation of pension.

10. In response to the letter 11th read above, the Director of Nizam's Institute of Medical Sciences, Hyderabad, Hyderabad informed the following, vide reference 12th read above :-

- i) Smt. T. Vijayalaxmi, Govt. Staff Nurse was taken into NIMS as Asst. Lecturer on deputation basis.
- ii) Her services were drawn on deputation basis for a period of three years from the A.N. of 21.05.1992. She has been selected as Lecturer for College of NIMS in the interviews held on 14.02.1994 and appointed as Lecturer / Govt. vide G.O. Rt. No.1303, HM&FW (M1) Dept., Dt.19.05.1987 has accorded sanction for extension of her deputation for a further period of two years i.e., from 21.05.1995 to 20.05.1997. On expiry of her deputation period she has opted for her permanent absorption in NIMS. Accordingly proposals were submitted to Govt., vide Rc. No.12/4/92/Acad-2, dt.14.05.1997 for issuing necessary orders for her permanent absorption in NIMS. Since there is no response from Government, she was repatriated to Government on the A.N. of 20.04.2006 vide Rc. No.3121/92/A5, Dt.20.04.2006.
- iii) As proposed by Government, Nizam Institute of Medical Sciences (NIMS), will remit Pro-rata pension, Leave Salary Component of the individual with interest to the Government, for the services rendered in NIMS.,

11. As the matter is under examination, the individual has filed an O.A. No.3845/2006, seeking a direction to the respondents to revise and re-fix her pay in the Revised Pay Scales of 1993, 1999 and 2005, and for release of pension and other retirement benefits.

12. In the reference 13th read above, the Hon'ble A.P.Administrative Tribunal passed orders in O.A. No.3845/2006, dt.26.07.2007, with a direction to the Government to examine the matter and pass appropriate orders within two months from the date of the receipt of the order.

13. In the reference 14th read above, the Government examined the request of applicant for sanction of pension for the service rendered by her in Government (not withstanding the service rendered in NIMS an autonomous body) duly fixing her pay in the revised pay scales is liable to be rejected as she has not completed the minimum required period under Revised Pension Rules, 1980. Accordingly, her request for sanction of pension fixing her pay in the RPS 1993, 1999, & 2005 was rejected.

14. Aggrieved by the above said orders, Smt.T.Vijayalakshmi, Staff Nurse (Retd.), has again filed O.A. No.11094/2008 before the Hon'ble A.P.Administrative Tribunal. The Hon'ble A.P.Administrative Tribunal in its order Dt.18.07.2011, vide reference 15th read above, has passed the following order :-

"In the circumstances, the O.A. is allowed setting aside the impugned proceedings in Memo. No.14365/M1/2006-13, HM&FW (M1) Dept., Dt.18.04.2008, by the Secretary to Govt., HM&FW Dept., AP., Hyd. and the respondents are directed to fix the pay of the applicant as per rules, in the Revised Pay Scales of 1993, 1999, and 2005 and also fix her pension accordingly and release the arrears of pay to the applicant by passing appropriate orders, within a period of eight weeks from the date of receipt of the order".

15. After careful examination of the above matter and taking into consideration of the Hon'ble A.P.Administrative Tribunal order Dt.18.07.2011 in O.A. No.11094/2008 filed by Smt.T.Vijayalakshmi, Staff Nurse, the action of the Regional Director of Medical and Health Service, Hyderabad which was taken in the reference 10th read above, for having permitting the said individual to retire voluntarily w.e.f.11.05.2006 A.N. is hereby ratified.

16. Therefore, the Director of Public Health & Family Welfare, Hyderabad, is hereby permitted to instruct the Regional Director of Medical and Health Service, Hyderabad accordingly, for fixing the pay of Smt.T.Vijayalakshmi, Staff Nurse, as per rules in the RPS.1993, 1999, & 2005 and also fix the pension and release the arrears of pay to her and requested to send a compliance report in the matter.

17. The Director of NIMS., Hyderabad is hereby instructed to remit the prorata pension and leave salary component of Smt. T. Vijayalakshmi, Staff Nurse (Retd.) for the deputation period rendered by her from 21.05.1997 to 20.04.2006 at Nizam's Institute of Medical Sciences (NIMS), Hyderabad.

18. The above order is issues with the concurrence of Fin. (FR.II) Dept. Vide their U.O. No.3454/50/FR.II/10, Dt.23.03.2010.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G. SUDHIR
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To

The Individual concerned through the Director of Public Health
& Family Welfare, Hyderabad.

The Director of Public Health & Family Welfare, Hyderabad

The Director, Nizam's Institute of Medical Sciences, Hyderabad.

Copy to:

The Regional Director of Medical and Health Service, Hyderabad

The District Medical & Health Officer, Hyderabad.

//FORWARDED::BY ORDER//

SECTION OFFICER